IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22821 of 2007(P)

PETITIONER:

R.BABU, KIZHAKEKARA VEEDU,
VELLAIKADAVU, PULIYARAKONAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

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1. TRAVANCORE DEVASWOM BOARD SECRETARY,
DEVASWOM BOARD OFFICE,
THIRUVANANTHAPURAM.

2. CHIEF ENGINEER,
OFFICE OF THE CHIEF ENGINEER,
PLANNING INVESTIGATION AND SURVEY,
TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.

3. COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.

4. S.INDIRA, KALATHIL VEEDU,
CHOOZHATTUKOTTA, MALAYAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.22821 OF 2007-P

Judgment

The petitioner claims regularisation in the post of Assistant Gardner under the Travancore Devaswom Board. He claims, he has been working in that post for quite some time on daily wage basis. His representation was considered and rejected by the Devaswom Board by Ext.P15 order dated 18.04.2007. This Writ Petition is filed, challenging Ext.P15. In the said order, it is stated that the petitioner is not working in the sanctioned post of Assistant Gardner. Further, the Rules of the Devaswom Board do not permit regularisation of persons working on daily wage basis. Therefore, the claim of the petitioner was rejected, it is submitted. The petitioner points out that several persons including the 4th respondent have been regularised and the petitioner alone is being discriminated in the matter of regularisation.

2. The petitioner has not a case that one of the methods of appointment to the post of Assistant Gardner in the Devaswom Board is by regularisation of daily wage hands. In the absence of any such case, I find nothing illegal with Ext.P15. This Court cannot ask the Devaswom Board to repeat an illegality for satisfying the requirement of Article 14 of the Constitution of India. In the result, the challenge against Ext.P15 is repelled. But, if the Devaswom Board requires the services of a

daily wage Assistant Gardner in future, the petitioner shall be preferred to a fresh hand. Subject to that observation, the Writ Petition is dismissed.

25.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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